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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/663,153

09/15/2003

Benjamin J. Feldman

12008-32USC7

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24353 7590 11/04/2008  
BOZICEVIC, FIELD & FRANCIS LLP  
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EXAMINER

NOGUEROLA, ALEXANDER STEPHAN

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

11/04/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10663153	9/15/03	FELDMAN ET AL.	12008-32USC7

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**EXAMINER**

ALEX NOGUEROLA

ART UNIT	PAPER
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1795	20081006
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DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

1. The reply filed on July 18, 2008 is not fully responsive to the prior Office Action because of the following omission: Applicant has not provided any product literature or documentation regarding the test strips alleged to be prior art against US Patent No. 6,592,745 B1. As requested in the Requirement for Information mailed on April 11, 2008 the Examiner requested information on the test strips alleged to be prior art against the '745 patent, such as the Glucometer Elite Diabetes Care System and ACCU-CHEK Comfort Curve test strips, in litigation documents cited in an Information Disclosure Statement received on January 30, 2008. Applicant's response to the Requirement for Information only includes patents and articles that to a large extent have already been previously cited and have no indication of being descriptions of the specific test strips offered for sale, sold, or distributed alleged to be prior art against the '745 patent. As pointed out in the Requirement for Information, "US Patent 6,592,745 B1 claims a method of using a test strip that is structurally similar to the test strip claimed in the instant application. Moreover, the test strip embodiment shown by Figures 21A-21C of US Patent 6,592,745 B1 is identical to that shown by Figures 21A-21C in the instant application, which reads on at least claim 16 of the instant application and, at least in part, on claim 1 of US Patent 6,592,745 B1. Thus, there is a question as to whether any of the allegedly publicly available test strips listed above also read on the inventions claimed in the instant applicaiotn." See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

/Alex Noguerola/  
Primary Examiner, Art Unit 1795  
October 06, 2008